

 COPY

2013 AUG 22 AM 10:42  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

FILED

1 KEVIN BARRY Mc DERMOTT, ESQ.  
2 LAW OFFICES OF KEVIN BARRY Mc DERMOTT  
3 8001 Irvine Center Drive, Suite 1420  
4 Irvine, California 92618

5 Tele: (949) 596-0102  
6 WarLawyer@aol.com

7 SBN: 109182

8 Attorney for Defendant  
9 JASON H. WILD

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

SACV 13 - 01288 CJC (Ex)

12 JASON H. WILD,

13 Movant,

14 vs.

15 DEPARTMENT OF DEFENSE,

16 Respondent.

MISC. CASE NO: \_\_\_\_\_

MOTION FOR ORDER  
PURSUANT TO CUSTOMER  
CHALLENGE PROVISIONS OF  
THE RIGHT TO FINANCIAL  
PRIVACY ACT OF 1978

Motion: 09/30/2013

Time: 1:30 p.m.

Courtroom: 9B

17  
18  
19  
20 MOVANT JASON H. WILD, by and through his attorney of record, Kevin  
21 Barry Mc Dermott, hereby moves this Court pursuant to Section 3410 of the Right to  
22

23  
24 MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
25 CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
26 TO FINANCIAL PRIVACY ACT OF 1978

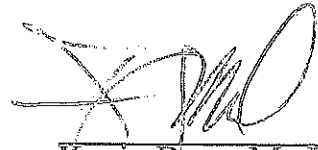
27 Misc # \_\_\_\_\_  
28

1 Financial privacy Act of 1978, 12 U.S.C. §3401, et. seq., for an order preventing the  
2 Department of Defense and the United States Government from obtaining access to  
3 Movant Wild's financial records. The Department of Defense is seeking access to  
4 financial records held by USAA Federal Savings Bank.

5 Service of the subpoena on Movant Wild occurred on Thursday August 14,  
6 2013.

7 In support of this motion, the sworn statement of Movant is attached as well  
8 as the Subpoena served upon Movant.

9  
10 Dated: August 20, 2013

  
\_\_\_\_\_  
Kevin Barry Mc Dermott, Esq.  
Attorney for the Defendant  
JASON H. WILD

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
TO FINANCIAL PRIVACY ACT OF 1978

27 Misc # \_\_\_\_\_  
28

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2013, I caused the forgoing  
MOVANT WILD'S MOTION FOR ORDER PURSUANT TO CUSTOMER  
CHALLENGE PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY  
ACT OF 1978 via certified mail to :


Inspector General of the Department of Defense, c/o DOD IG Subpoena  
Program Manager 4800 Mark Center Drive, Suite 11H25, Alexandria  
Virginia 22350

and

Hernando Arboleda  
Defense Criminal Investigation Service  
26722 Plaza Street, Suite 130  
Mission Viejo, CA 92691

I declare under penalty of perjury under the laws of the State of  
California that the foregoing is true and correct.

Dated: August 22, 2013

  
By /s/ Kevin Barry Mc Dermott  
Attorney for Defendant  
JASON H. WILD

MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
TO FINANCIAL PRIVACY ACT OF 1978

Misc # \_\_\_\_\_

DECLARATION OF MOVANT

JASON H. WILD

On August 14, 2013, I was served with the attached subpoena by Jesse St. Amant of the Department of Defense Criminal Investigation Service. It is seeking by personal banking records for 2004 to 31 January 2013 from USAA Federal Savings Bank. The basis of the request for my records would appear to stem from payments that I received while I was recalled to active duty from the Reserves.

I am objecting to the release of these records.

I am a reserve United States Marine Corps Major, currently on active duty and on medical hold due to a medical condition. I was an active duty Marine from 1996 through November 2000. For the past twelve years, I have been recalled to active duty, including my current active duty stint, 10 times to serve in various billets in the Marine Corps in support of the Global War on Terrorism.

However, I have not been on continuous active duty for the entire time and certainly not the entire time that DCIS is requesting records from my bank USAA Federal Savings bank.

I am respectfully objecting to the subpoena until such time as DCIS identifies for the Court the active duty periods of service that they would be entitled to search.

MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
TO FINANCIAL PRIVACY ACT OF 1978

Misc # \_\_\_\_\_

1 Furthermore, the subpoena is requesting records that go as far back as nine  
2 years ago. I cannot conceive of an offense that could be alleged against me that has  
3 not lapsed due to a statute of limitations. I am objecting to the subpoena until such  
4 time as DCIS identifies how some document created nine years ago could be  
5 pertinent to a chargeable offense.  
6  
7  
8

9 I, Jason H. Wild, do hereby declare under penalty of perjury that the  
10 foregoing, consisting of two (2) pages, is true and correct. executed this 21st day of  
11 August 2013.  
12

13  
14   
15 JASON WILD  
16 MOVANT  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
27 CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
28 TO FINANCIAL PRIVACY ACT OF 1978

Misc # \_\_\_\_\_

EXHIBIT

DCIS SUBPOENA ATTACHED

MOVANT WILD'S MOTION FOR ORDER PURSUANT TO  
CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT  
TO FINANCIAL PRIVACY ACT OF 1978

Misc # \_\_\_\_\_

United States of America  
Department of Defense  
Office of the Inspector General

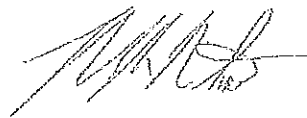
SUBPOENA DUCES TECUM

TO Custodian of Records, USAA Federal Savings Bank, ATTN: Ms. Diane Mathis/Legal Department, 10750 McDermott Freeway, San Antonio, Texas 78288

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Special Agent Hernando Arboleda, or any Special Agent of the Defense Criminal Investigative Service (DCIS) acting on behalf of the Inspector General, pursuant to the Inspector General Act of 1978 (5 U.S.C. App. 3), at the DCIS, 26722 Plaza St., Suite 130, Mission Viejo, CA 92691 on the 31st day following the financial institution's receipt of this subpoena at 10 o'clock a.m. of that day.

You are hereby required to bring with you and produce at said time and place the following information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence pertaining to any and all USAA Federal Savings Bank account(s) held solely or jointly by Jason H. Wild, Social Security number: XXX-XX-4948, a United States Marine Corps Reserve member, who is suspected of violating one or more punitive Articles of the Uniform Code of Military Justice, for the period January 1, 2004 through January 31, 2013 as specified in Appendix A, which are necessary in the performance of the responsibility of the Inspector General under the Inspector General Act.

IN TESTIMONY WHEREOF, the signature of the duly authorized representative of the Inspector General of the Department of Defense is affixed at Alexandria, Virginia.



Digitally signed by  
STONE.RANDOLPH.R.12599  
92415  
Date: 2013.07.03 16:42:36  
-04'00'

---

Randolph R. Stone  
Deputy Inspector General for Policy and Oversight

UNIQUE IDENTIFICATION NUMBER: 2013276-12392

## APPENDIX A

### USAA Federal Savings Bank

#### A. DEFINITIONS:

1. The terms "Document" and "documents" mean any written, recorded, graphic material of any kind, Photostats, microfilms, microfiche, tape or disc recordings, computer printouts and other data electronically obtained or otherwise stored from which information can be obtained, either directly, or indirectly or by translation, through devices or readers, whether prepared by you or any other person, that is in your possession, custody or control. Any such document is to be produced in a reasonable useable form.
2. The terms "document" and "document(s)" mean the original document (or copy thereof if the original is not in your possession, custody or control) and all copies that differ in any respect from the original or that bear any notation, marking or information not on the original.

#### B. DOCUMENTS REQUIRED:

Any and all USAA account(s) held solely or jointly by Jason H. Wild, SSN: XXX-XX-4948; from January 1, 2004 through January 31, 2013. Records include, but are not limited to:

1. Monthly statements sent to the account holder or the electronic equivalent;
2. Correspondence with the account holder;
3. Records reflecting account ownership in effect during the identified period and setting forth the date of closure for account;
4. Records reflecting overdraft provisions/procedures in effect during the identified period;
5. Deposit documents;
6. Withdrawal documents;
7. Wire transfer documents;
8. Records of Automatic Teller Machine transactions;
9. Records of debit and credit card transactions;
10. Copies of checks written on the named account and/or deposited into the named account, including checks written for amounts exceeding the account balance; and,
11. Loan(s) and loan application(s).

UNIQUE IDENTIFICATION NUMBER: 2013276-12392



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

*JASON N. WIND*

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

*DEPARTMENT OF DEFENSE*

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

*KEVIN BARRY McDERMOTT, ESQ  
8001 IRVINE CTR. Dr. #1420  
IRVINE, CA 92618 949-596-0102*

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☐ 3. Federal Question (U.S. Government Not a Party)
- ☒ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**-For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

*QUASH SUBPOENA FOR RECORDS - FINANCIAL RECORDS ACT OF 1978*

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument		<b>TORTS</b>	<input type="checkbox"/> 530 General	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<b>Other:</b>	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 154 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<b>REAL PROPERTY</b>	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

*FINANCIAL  
Privacy Act  
OF 1978*

FOR OFFICE USE ONLY: Case Number: **SACV 13 - 01288 CJC (Ex)**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**NOTE: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

\*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

## X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):

DATE:

8-22-13

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

## Nature of Suit Code      Abbreviation

## Substantive Statement of Cause of Action

861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))